

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARK PICOZZI,

Plaintiff,

v.

CLARK COUNTY DETENTION  
 CENTER, et al.,

Defendants.

2:15-cv-00816-JCM-PAL

**ORDER**

The plaintiff has submitted a motion for an extension of time, a motion for the court to provide plaintiff names of officers and nurses, and a motion for an order stopping Clark County Detention Center ("CCDC") from tampering with his mail. (ECF No. 10, 11, 12).

The plaintiff presents his motions in one three page document that was docketed three times: once for each of the three motions listed in the caption. In the body of the motion, the plaintiff requests additional relief, such as an order for CCDC to stop charging the plaintiff for legal copies, for inmate accounts to stop taking money from plaintiff for medical expenses from University Medical Center, for CCDC to stop stealing the plaintiff's subscription to the Las Vegas Review Journal, and for a hearing to present grievances to the court in person. (ECF No. 10, 11, 12 at 1-3).

**Discussion**

On November 25, 2015, this court entered a screening order allowing some of the plaintiff's claims to proceed, dismissing others with prejudice, and dismissing some without prejudice, with leave to amend. (ECF No. 8 at 13-15). The court granted the plaintiff 30 days to file an amended complaint and stated that it would dismiss the action without prejudice if

1 the plaintiff failed to timely file an amended complaint. (*Id.*). Plaintiff requests an extension  
2 of 60 days to file his amended complaint. (ECF No. 10, 11, 12 at 1). The court grants the  
3 plaintiff's motion for an extension (ECF No. 10) in part by allowing the plaintiff 30 days from  
4 the date of this order to file an amended complaint in compliance with the court's November  
5 25, 2015, order. (ECF No. 8). If the plaintiff fails to file an amended complaint curing the  
6 deficiencies as stated in the court's original screening order, the action shall proceed on the  
7 plaintiff's First Amendment claim of denial of access to the courts against defendants Lee and  
8 Cooper; the plaintiff's Eighth Amendment claim of excessive force against defendant Judd;  
9 and the plaintiff's Eighth Amendment claim of deliberate indifference against defendant  
10 Hightower.

11 The plaintiff filed a motion for the court to order CCDC to provide him with names of the  
12 officers involved in the assault against him and all of the nurses involved in denying him  
13 access to medical care. (ECF No. 11). This motion is deficient and, in any event, premature.  
14 As the court stated in the original screening order,

15 "The CCDC is an inanimate building, not a person or entity subject to liability.  
16 The law defines persons as including natural persons (*i.e.*, human beings) as  
17 well as corporations and political subdivisions. However, objects such as  
18 buildings do not fit within this definition. Therefore, CCDC, a building, is not  
subject to liability." *Allen v. Clark Cnty. Det. Ctr.*, 2:10-CV-00857-RJH, 2011  
WL 197201, \*4 (D. Nev. Jan. 20, 2011). As such, the CCDC is dismissed with  
prejudice, as amendment would be futile.

19 (ECF No. 8 at 3, n.2). The plaintiff has filed a motion requesting action against a party that  
20 has been dismissed with prejudice.

21 The court recognizes that there are situations "where the identity of alleged defendants  
22 will not be known prior to the filing of a complaint." *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th  
23 Cir. 1980). "In such circumstances, the plaintiff should be given an opportunity through  
24 discovery to identify the unknown defendants, unless it is clear that discovery would not  
25 uncover the identities, or that the complaint would be dismissed on other grounds." *Id.* In the  
26 plaintiff's amended complaint, he may make use of "Doe" pleadings and then use discovery  
27 to determine the identity of that defendant. The plaintiff's claims will be dismissed, however,  
28 where he provides no more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*,

1 550 U.S. 544, 555 (2007). As such, the plaintiff's motion for the court to order CCDC to  
2 provide him with the names of officers and nurses (ECF No. 11) is denied.

3 The plaintiff additionally filed a motion for the court to order CCDC to stop tampering  
4 with his mail. (ECF No. 12). This motion is denied as it is presented against CCDC, a party  
5 that has been dismissed with prejudice. Additionally, the traditional equitable criteria for  
6 granting preliminary injunctive relief are: (1) a strong likelihood of success on the merits; (2)  
7 the possibility of irreparable injury to the plaintiff if injunctive relief is not granted; (3) a balance  
8 of hardships favoring the plaintiff; and (4) advancement of the public interest. *Los Angeles*  
9 *Memorial Coliseum Commission v. National Football League*, 634 F.2d 1197, 1200-01 (9th Cir.  
10 1980). The moving party may meet its burden by demonstrating either (1) a combination of  
11 probable success on the merits and the possibility of irreparable injury or (2) that serious  
12 questions are raised and the balance of hardships tips sharply in its favor. *Id.* The plaintiff has  
13 not attempted to satisfy his burden to demonstrate a combination of probable success on the  
14 merits and the possibility of irreparable injury or that serious questions are raised and the  
15 balance of hardships tips sharply in his favor. As such, the plaintiff's motion for the court to  
16 order CCDC to stop tampering with his mail (ECF No. 12) is denied.

17 The additional motions the plaintiff raises within the body of his motion are denied. The  
18 plaintiff raises claims against CCDC, a party that has been dismissed with prejudice. (See the  
19 plaintiff's assertion that CCDC is stealing his subscription to the Las Vegas Review Journal.  
20 ECF No. 10, 11, 12 at 3). Additionally, the plaintiff requests injunctive relief without  
21 demonstrating a combination of probable success on the merits and the possibility of  
22 irreparable injury or that serious questions are raised and the balance of hardships tips sharply  
23 in his favor. (See the plaintiff's request for the court to order inmate accounts to stop taking  
24 his money. *Id.* at 2). Further, the plaintiff's request for a hearing is denied.

## 25 **Conclusion**

26 For the foregoing reasons, IT IS ORDERED that plaintiff's request for an extension of  
27 time to file his amended complaint (ECF No. 10) is GRANTED in part and DENIED in part.  
28 The plaintiff shall have 30 days from the date of this order to file an amended complaint in

1 compliance with the court's November 25, 2015, order. (ECF No. 8). If the plaintiff fails to file  
2 an amended complaint curing the deficiencies as stated in the court's original screening order,  
3 the action shall proceed on the plaintiff's First Amendment claim of denial of access to the  
4 courts against defendants Lee and Cooper; the plaintiff's Eighth Amendment claim of  
5 excessive force against defendant Judd; and the plaintiff's Eighth Amendment claim of  
6 deliberate indifference against defendant Hightower.

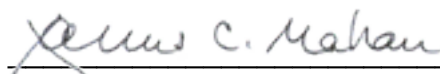
7 IT IS FURTHER ORDERED that the plaintiff's motion for the court to order CCDC to  
8 provide him with the names of officers and nurses (ECF No. 11) is DENIED.

9 IT IS FURTHER ORDERED that the plaintiff's motion for the court to order CCDC to  
10 stop tampering with his mail (ECF No. 12) is DENIED.

11 IT IS FURTHER ORDERED that the plaintiff's request that the court file injunctive  
12 orders against the CCDC and against inmate accounts is DENIED.

13 IT IS FURTHER ORDERED that the plaintiff's request for a hearing is DENIED.  
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15 DATED: January 20, 2016.  
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United States District Judge  
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